

(Docket Entry No. 278)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

NANCY PERLMAN,

Plaintiff,

v.

Civil No. 01-0651 (RBK)

VIRTUA HEALTH, INC. et al.,

Defendants.

O P I N I O N

KUGLER, United States District Judge:

This matter is before the Court on a motion for summary judgment filed by Defendants Donna Forrest and Glee Baker. The Court will deny their motion. Provided below is a brief explanation of the Court's decision, issued solely for the benefit of the parties.

Forrest and Baker move for summary judgment, arguing that the statute of limitations on Plaintiff Nancy Perlman's personal injury claims against them has run. The Honorable Judge Joel Rosen, U.S.M.J., already decided that the statute of limitations had not run when he permitted Perlman to amend her complaint to add Baker and Forrest as Defendants. Judge Rosen's decision is the law of the case and there is no apparent reason to depart from that decision. As the parties are aware, this Court did part from Judge

Rosen's decision regarding the statute of limitations as it applied to claims against Defendants Arbittier and Boyce. In their cases, there was evidence from Perlman's deposition that Perlman was aware that the operating room staff attending the surgery was responsible for inspecting the equipment before use. That evidence was not available to Judge Rosen when he ruled on the effect of the statute of limitations for claims against Arbittier and Boyce. On the present motion, Defendants have not demonstrated that there is any evidence now available that was not previously available to Judge Rosen. Indeed, Defendants have not even included Perlman's deposition in the record; and have not discussed those aspects of the deposition on which the Court relied to grant summary judgment in favor of Arbittier and Boyce..

Therefore, the Court concludes that Judge Rosen's ruling with regard to Baker and Forrest is the law of the case and will not be altered. Accordingly, the Court will deny the motion for summary judgment.

Dated: 5-3-05

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge